

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**In re Ethicon, Inc. Pelvic Repair System
Products Liability Litigation**

MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

APPLICATION OF JOSH B. WAGES FOR PLAINTIFFS' STEERING COMMITTEE

COMES NOW, Josh B. Wages, and hereby respectfully submit my Application for Appointment to the Plaintiffs' Steering Committee.

I received a Bachelor of Business Administration degree *cum laude with high honors* from the University of Georgia in 1995, and I graduated *cum laude* from UGA's School of Law in 1998. I am a member in good standing of the State Bar of Georgia, the Georgia Court of Appeals (10/26/99) and the Georgia Supreme Court (10/26/99), the United States District Courts for the Northern (8/27/04), Middle (3/11/03) and Southern Districts (8/29/05) of Georgia, and the Eleventh Circuit Court of Appeals (2/28/05). A copy of a Certificate of Good Standing from the Georgia Supreme Court is attached hereto as "**Exhibit 1.**" I have worked in the litigation department of the Blasingame, Burch, Garrard & Ashley law firm in Athens, Georgia since August 1998, and I have been a partner in the firm since 2005.

Since 2006, my firm has been at the forefront of the litigation involving women's pelvic repair mesh, and a substantial majority of my work for the past five plus years has been devoted to these cases. As a partner with the Blasingame law firm, I was extensively involved in the Mentor ObTape MDL (MDL 2004) before the Hon. Clay D. Land of the U.S. District Court for the Middle District of Georgia, which similarly involved claims for personal injury to women arising out of the implantation of a pelvic repair device. I drafted the pleadings filed on behalf of the Plaintiffs with the MDL Panel, and the Panel transferred the Mentor ObTape cases to the Middle District of Georgia as requested in our pleadings. My partner Henry Garrard was Plaintiffs' lead and liaison counsel in that MDL, and I coordinated and oversaw all written and electronic discovery, as well as all of the legal research, pleadings, and motions practice for the plaintiffs in the Mentor ObTape MDL. Our firm was trial counsel for the only jury trial

conducted to date in the Mentor ObTape MDL, which settled for a confidential sum after one week of trial, and which ultimately resulted in the settlement of a large number of cases in which our firm was counsel.

In addition to my work in the Mentor ObTape litigation, I had substantial responsibility for our firm's litigation involving another women's pelvic repair mesh device, the Tyco Healthcare "IVS Tunneller," the first of which cases was filed in January 2008. In addition to handling certain of the plaintiffs' and medical and expert depositions in those cases, I was responsible for the legal research, written and electronic discovery, and pleadings and motions for the plaintiffs in our firm's litigation involving this product. These cases settled confidentially prior to trial.

Since 2009, I have been significantly involved in the cases relating to the C.R. Bard, Inc. pelvic repair mesh devices, which were transferred to this Court by the MDL Panel in 2010 (MDL 2187). I drafted the motion to transfer and the related briefs with the MDL Panel that resulted in the Panel's transfer of the Avaulta cases to this Court, as well as the subsequent motion that led to the consolidation of the other Bard pelvic repair products into MDL 2187. As in the Mentor ObTape MDL and our firm's litigation involving the Tyco IVS device, I have coordinated the ESI and written discovery efforts for the Plaintiffs against the three global medical device manufacturer defendants involved in MDL 2187, and I have overseen the legal research, pleadings and motions practice on behalf of the Plaintiffs in MDL 2187 to date.

Because of my law firm's experience in women's pelvic repair mesh litigation, I have been asked to present continuing legal education materials relating to this litigation, including a presentation relating to the Mentor ObTape litigation at the Georgia Trial Lawyers' Association Annual Meeting in 2010, and a presentation relating to transvaginal mesh products litigation at the Mass Torts Made Perfect Seminar in Las Vegas in April 2011.

In coordination with other law firms with whom we are working in this litigation, I prepared the motions and related pleadings filed with the MDL Panel seeking transfer of all federal cases involving the pelvic repair products sold by American Medical Systems, Inc., Boston Scientific Corp., and Johnson & Johnson/Ethicon, Inc. to this Court, which the Panel granted in its joint Transfer Order on February 7, 2012. Our firm has several cases pending in each of these three MDL's (MDL 2325; MDL 2326; and MDL 2327).

Through our involvement in litigation involving these devices for the past several years,

our firm has developed significant knowledge and experience involving the medical-legal issues and the complex product liability issues presented in these cases. Our firm has devoted significant resources and effort over the past six years to investigating these pelvic repair products and the serious injuries they cause, and developing the medical and scientific evidence and experts necessary to prove these cases before a jury. Besides Henry Garrard and myself, three of the law firm's partners (Gary B. Blasingame, Andrew J. Hill, and James B. Matthews)¹ and three associates (Mal S. Duncan, Jennifer K. Register, and Leanna B. Pittard), have been and will continue to be actively involved in the these cases, along with many more dedicated and experienced staff.

Through our firm's leadership in both MDL 2004 and MDL 2187, and in our efforts to organize and coordinate the Plaintiffs in our requests to centralize the other three MDL's involving similar products (2325; 2326; and 2327), our firm has demonstrated an ability to work cooperatively with other plaintiffs' law firms from across the country, as well as with the defense law firms involved in these cases. We are committed to continuing to coordinate our efforts with other plaintiffs' counsel to advance the mutual interests of their respective clients, and to working professionally with our opposing counsel in these cases.

This 22nd day of March, 2012.

By: /s/ Josh B. Wages
Josh B. Wages
Georgia Bar No. 730098

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¹ Along with Mr. Garrard, Mr. Blasingame, Mr. Hill and Mr. Matthews are also Fellows of the American College of Trial Lawyers. A separate application for Plaintiffs' Coordinating Co-Lead Counsel is being filed on behalf of Mr. Garrard.

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

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